United Nations ECE/MP.EIA/IC/2014/6

Economic and Social Council

Distr.: General
12 January 2015

Original: English

Economic Commission for Europe

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context serving as the Meeting of the Parties to the Protocol on Strategic Environmental Assessment

Implementation Committee

Thirty-second session

Geneva, 9–11 December 2014

Report of the Implementation Committee on its thirty–second session

Contents

		Paragraphs	*Page*
I.	Introduction	1–3	3
	A. Attendance	2	3
	B. Organizational matters	3	3
II.	Membership of the Committee	4–5	3
III.	Follow-up to decision VI/2	6–30	3
	A. Ukraine	7–18	4
	B. Armenia	19–24	5
	C. *Azerbaijan*	25–26	6
	D. Belarus	27–30	7
IV.	Submissions	31	7

GE.15-00357 (E)

1500357

Please recycle

V.	Committee initiative	32–36	7
VI.	Information gathering	37–58	9
	A. Ukraine — Khmelnytskyi nuclear power plant	37–40	9
	B. Ukraine — Muzhiyevo goldmine	41–42	10
	C. Serbia	43–47	10
	D. The Netherlands	48–52	11
	E. Bosnia and Herzegovina — Ugljevik thermo-power plant	53–55	12
	F. Bosnia and Herzegovina — Stanari thermo-power plant	56–58	13
VII.	Review of implementation	59–71	13
	A. Examination of general and specific compliance issues from the Fourth Review of Compliance with the Convention	59–62	13
	B. Examination of general and specific compliance issues from the First Review of Compliance with the Protocol	63–71	14
	C. Modification of the questionnaires	72–73	15
VIII.	Other business	74	15
IX.	Presentation of the main decisions taken and closing the session	75–77	15

I. Introduction

1. The thirty-second session of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment (Protocol on SEA) was held from 9 to 11 September 2014 in Geneva, Switzerland.

A. Attendance

2. The following members of the Implementation Committee for Convention and Protocol matters attended the session: Mr. V. Buchko (Ukraine); Ms. E. Grigoryan (Armenia); Mr. K. Heinma (Estonia); Ms. L. A. Hernando (Spain); Mr. J. Jendroška (Poland); Ms. A. Kliut (Belarus); Ms. Z. Pocsai (Hungary); Mr. M. Prieur (France); Ms. O. Shoshi (Albania); Mr. R. Švedas (Lithuania); and Mr. F. Zaharia (Romania).

B. Organizational matters

3. The Chair of the Committee, Mr. Zaharia, opened the session. The Committee adopted its agenda (ECE/MP.EIA/IC/2014/5).

II. Membership of the Committee

4. At its last session, the Committee had agreed to elect its two Vice-Chairs at the present session. In accordance with the structure and functions of the Implementation Committee and procedures for review of compliance (ECE/MP.EIA/6, annex II, appendix, paragraph 1 (c)), as amended (ECE/MP.EIA/20/Add.1–ECE/MP.EIA/SEA/4.Add.1, decision VI/2, annex I), the Committee elected Ms. L. A. Hernando (Spain) as first Vice-Chair and Mr. R. Švedas (Lithuania) as second Vice-Chair.

5. In accordance with the amendments to the Committee's structure and functions and operating rules set out in decision VI/2 (annexes I and II) of the Meeting of the Parties to the Convention, and adopted also by the Meeting of the Parties to the Protocol by reference in its decision II/2 (see ECE/MP.EIA/20/Add.2–ECE/MP.EIA/SEA/4/Add.2), in addition to the permanent members, each elected Party should appoint an alternate member for the same term of office. Members or other country representatives of Albania, Armenia, Belarus, Estonia, Lithuania, Poland and Spain announced the appointment of the alternate members before or at the Committee's thirty-first session (Geneva, 2–4 September 2014) and Hungary had informed the secretariat of the appointment of Mr. S. P. Orosz as alternate member. The member of Romania informed the secretariat that it was in the process of finalizing the appointment of an alternate member and would inform the secretariat shortly. The members of France and Ukraine informed the secretariat that they would try to liaise with their Governments to make the necessary arrangements as soon as possible.

III. Follow-up to decision VI/2

6. Discussions on the follow-up to decision VI/2 were not open to observers, according to rule 17, paragraph 1, of the Committee's operating rules, and took place in the absence of members nominated by Armenia, Belarus, Lithuania and Ukraine during the consideration of the cases concerning their countries.

A. Ukraine

1. Bystroe Canal Project (EIA/IC/S/1)[1]

7. The Committee considered the response by Ukraine of 19 November 2014 to the Committee's letter of 19 September 2014 regarding the follow-up to decision VI/2 (paras. 15–28). By that decision, Ukraine had been requested to provide information on the adoption of relevant legislation and the bringing of the Danube-Black Sea Deep Water Navigation Canal in the Ukrainian sector of the Danube Delta into full compliance with the Convention by the end of 2015.

8. Further to an analysis prepared by the curator, the Committee observed that the information provided did not constitute a comprehensive report and thus did not shed much light on any actual progress achieved on the implementation of the Government's strategy for implementing the Convention, as requested by decision VI/2. It asked the Chair to write to Ukraine asking it to provide by 2 March 2015:

(a) A comprehensive report on the implementation of the strategy, as requested by paragraph 25 of decision VI/2;

(b) Clarification on the current status of the draft law of 30 May 2014,[2] which had been registered with the Verkhovna Rada under No. 4972, after the parliamentary elections of autumn 2014;

(c) Specific information on the process of the preparation of the draft bilateral agreement with Romania on the implementation of the Convention;

(d) Brief and concise information about the specific steps taken to monitor and implement the measures following the monitoring.

9. The secretariat informed the Committee about the foreseen extensive technical assistance to be provided by the European Union (EU) to Ukraine in the period 2015–2017 for the approximation of Ukrainian legislation with the EU legislation, as well as the secretariat's involvement in that process. The assistance would include the preparation of a new law on environmental impact assessment. The Committee took note of the information and asked the secretariat to liaise with the European Commission and explore options for coordination with the Committee with respect to the development of environmental assessment legislation in the country.

10. The Committee also asked the Chair to request Ukraine to provide the English translation of the advance version of the new draft law as soon as it was available, but by no later than the end of June 2015, and in due time for the Committee's consideration and feedback before the law's expected adoption by the end of 2015, as required by decision VI/2.

11. In his letter, which should be addressed to the Prime Minister of Ukraine, the Chair should also remind Ukraine of its obligations under decision VI/2 and urge Ukraine to take all necessary action to implement the conditions set in decision VI/2 as soon as possible, but by no later than the end of 2015.

12. The Committee further asked the Chair to write to the Government of Romania asking for specific information on the process of the preparation of the draft bilateral agreement with Ukraine on the implementation of the Convention.

---

[1] Information on this compliance case is available from http://www.unece.org/env/eia/implementation/implementation_committee_matters.html.

[2] See http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=51152 (in Ukrainian).

13. The Committee agreed that it would continue its consideration of the matter at its next sessions. It asked the curator to prepare an analysis in advance of its next session. In order to facilitate the follow-up on the case, the Committee also asked the curator, with the assistance of the secretariat, to prepare a road map of Ukraine's obligations, taking into consideration all the decisions adopted by the Meeting of the Parties to the Convention (MOP) on this subject so far.

2. Rivne nuclear power plant (EIA/IC/CI/4)[3]

14. By decision VI/2 (para. 71), the Committee had been invited to follow up its assessment of the case regarding the extension of the lifetime of the Rivne nuclear power plant (NPP) by Ukraine, which had been subject to proceedings before the Committee during the previous intersessional period, taking into consideration the specific circumstances and the fact that Ukraine had acted in good faith.

15. At its previous session, the Committee had decided to postpone consideration of the case to its present session. The curator of the case provided background information to the new Committee members regarding the case. The Committee also took note of the information provided by Ukraine on 19 November 2014.

16. Further to an analysis by the curator, the Committee noted that the mandate provided by decision VI/2 in relation to the case was unclear. The Committee observed, however, that the decision adopted by the MOP had explicitly endorsed the finding of non-compliance by Ukraine with several provisions of the Convention in relation to the project and the legislation. In that regard, the Committee agreed that following up with the MOP decision would not imply reconsideration of the case. The Committee also noted that the information provided by Ukraine concerned other Parties' legislation in general and not Ukraine's steps to reach compliance with the Convention.

17. The Committee decided to request Ukraine to provide information by 2 March 2015 about specific measures it had taken to meet the MOP request, further to the endorsement of the Committee's finding on non-compliance by Ukraine with article 2, paragraphs 2 and 3; article 4, paragraph 1, and articles 3 and 6, of the Convention. Ukraine should also be requested to provide information about the status of the project. The Committee asked the Chair to send a letter to that effect.

18. Finally, the Committee took note of the information provided by the secretariat regarding the planned preparation, further to MOP decision VI/7, of good practice recommendations for the application of the Convention in nuclear energy-related activities, which would be submitted to the MOP at its seventh session for consideration and possible adoption. The Committee expressed the expectation that its opinions on the application of the Convention, in particular in that area, would be fully taken into account in the preparation of the good practice recommendations.

B. Armenia

1. Law on environmental impact assessment (EIA/IC/CI/1)[4]

19. The Committee discussed the information received from Armenia on 3 October 2014 and 19 November 2014 regarding, inter alia, the regulation on public participation

[3] Information on this compliance case is available from http://www.unece.org/environmental-policy/treaties/environmental-impact-assessment/areas-of-work/review-of-compliance/committee-initiative.html.

[4] Ibid.

further to comments received by the World Bank, and the plans to make amendments to the law adopted in summer 2014. Before leaving the session, the Committee member nominated by Armenia provided further clarification. At the request of the Committee at its previous session, the secretariat had also made the necessary arrangements for the English translation of those parts of the law on environmental impact assessment (EIA) adopted in summer 2014 that had been amended since the Committee had reviewed the draft.

20. The secretariat reported on the national round table on strategic environmental assessment (SEA) that had taken place in Yerevan on 26 September 2014 in the context of the EU-funded Greening the Economies in the Eastern Neighbourhood (EaP Green) Programme, noting that further financial assistance would target the preparation of amendments to Armenia's EIA law by end of 2015. As parallel assistance was provided by the World Bank in the area of environmental assessment legislation, efforts had been undertaken to coordinate the activities.

21. The Committee took note of the information. It asked the Chair to send a letter to Armenia asking it to inform the Committee by 2 March 2015 about the scope of the proposed amendments, providing details of the drafting process and the timeline for the preparation of the amendments to the recently adopted law and how the comments made by the international and national consultants had been taken into account.

2. Metsamor nuclear power plant (EIA/IC/S/3)[5]

22. The Committee then considered Armenia's compliance with the MOP recommendations in decision VI/2 (paras. 45–46), which expressed concerns about that Party's compliance with its obligations under the Convention with respect to the planned construction of the Metsamor NPP.

23. The Committee took note of the letter of Armenia of 19 November 2014. It considered that the information provided by Armenia regarding the activity was to its satisfaction, and would take the information into account for the preparation of its report for the next session of the MOP in 2017. The Committee asked the Chair to write to Armenia informing it about its decision.

24. As Armenia was a Party to the Protocol on SEA and the Programme of the Government adopted by Decision 511-A of 19 May 2014 (mentioned in a letter of 1 August 2014 from the Minister of Nature Protection to the Executive Secretary of the United Nations Economic Commission for Europe (ECE)) seemed to set the framework for future activities in the energy field, the Committee also agreed to ask Armenia about the nature of the Programme and whether an SEA procedure, including a transboundary procedure or at least the notification of potentially affected countries, had been carried out before the adoption of the Programme. That information should be provided by 2 March 2015.

C. Azerbaijan

25. The secretariat reported on the ongoing technical advice being provided to Azerbaijan under the EaP Green Programme. Specifically, further to the request of Azerbaijan, assistance had been provided in autumn 2014 regarding the drafting of environmental assessment legislation. Further to that exercise, the English translation of the draft law would be circulated to international consultants and relevant international organizations for their comments, to be discussed at a round table in spring 2015.

[5] Information on this compliance case is available from http://www.unece.org/env/eia/implementation/implementation_committee_matters.html.

26. The Committee took note of the information. It asked the Chair to invite Azerbaijan to officially report on the steps taken to comply with MOP decision VI/2 and to provide an English translation of the draft law for review by the Committee when it was available at the beginning of 2015.

D. Belarus

27. The Committee then considered its follow-up to decision VI/2 regarding Belarus (paras. 48–64). Before leaving the session, the member of the Committee nominated by Belarus made a personal statement commenting on the report submitted by Lithuania and distributed her statement to the Committee members. The member of the Committee nominated by Lithuania objected to the statement, as, in his view, it constituted a breach of rule 5 of the Committee's operating rules. The Committee agreed not to consider the information submitted.

28. In the light of that experience, the Committee also agreed to explore whether the existing operating rules could be further clarified in relation to potential conflicts of interest and to prepare proposals, as necessary, for the consideration of the MOP at its seventh session, as requested by the MOP at its sixth session (decision VI/2, para. 14).

29. The Committee took note of the additional information received from Belarus on 19 November 2014, as well as the reports received from both Parties on 21 November 2014. The Committee recalled that according to decision VI/2 it had to thoroughly analyse the steps undertaken by Belarus and Lithuania after the adoption of the Committee's findings and recommendations by its thirty-third session (17–19 March 2015). Further to an analysis by the curator, and taking into account the mandate in decision VI/2, the Committee decided to prepare a draft analysis of the facts and arguments put forward by the two Parties for consideration at its next session. It requested the Chair and the curator to prepare the draft in advance of its next session.

30. The secretariat informed the Committee of the expected funding from the Environment and Security Initiative for the provision of technical assistance to Belarus for post-project analysis and the preparation of a bilateral agreement further to the Ostrovets NPP. The proposal had been prepared at the request of Belarus and, if approved, the project was expected to run from 2015 to 2018. The Committee took note of the information.

IV. Submissions

31. No submissions had been received since the Committee's previous session and there were no earlier submissions still under consideration.

V. Committee initiative[6]

32. Discussions on Committee initiatives were not open to observers, in accordance with rule 17 of the operating rules.

33. Further to its thirty-first session, the Committee considered its initiative on the United Kingdom of Great Britain and Northern Ireland regarding the planned construction

[6] Information on Committee initiatives, including relevant documentation, is available from http://www.unece.org/environmental-policy/treaties/environmental-impact-assessment/areas-of-work/review-of-compliance/committee-initiative.html.

of the Hinkley Point C NPP (EIA/IC/CI/5). With the prior consent of the Parties from which the Committee had gathered information, the information had been forwarded to the United Kingdom, which had been invited to comment and also to further elaborate on the transboundary procedures concerning the adoption of the nuclear national policy statement.[7] The United Kingdom had also been invited to indicate whether it wished to avail itself of its right to participate in a discussion with the Committee and present information and opinions on the matter.

34. The Committee then considered the information received by the United Kingdom on 21 November 2014, and the analysis provided by the curator. In line with paragraph 9 of the Committee's structure and functions, the Committee decided to invite the United Kingdom to its next session to participate in the discussion and to present information and opinions on the matter under consideration. The Committee would start by considering the initiative in a closed session, followed by a brief presentation by the United Kingdom and questions by the Committee. The initiative would then be considered again in a closed session to draft findings and recommendations.

35. Following a comment by the United Kingdom, the Committee recalled its reasoning behind its finding of a profound suspicion of non-compliance and its subsequent decision to begin a Committee initiative (see also ECE/MP.EIA/IC/2014/2 paras. 33–35). In the Committee's view, the opportunity provided by the United Kingdom to Austria to participate under the Espoo Convention had demonstrated the agreement of the two Parties that a likely significant environmental impact on Austrian territory could not be excluded according to article 3, paragraph 7, of the Convention. The likelihood of a significant environmental impact outside the territory of the United Kingdom had also not been excluded by the Netherlands and Norway, in their letters of 23 January and 5 February 2014, respectively. In its letter to the United Kingdom, the Committee agreed to recall the grounds upon which it had found that there was a profound suspicion of non-compliance and had decided to begin a Committee initiative further to paragraph 6 of the Committee's structure and functions.

36. The Committee also agreed that using its electronic decision-making procedure it could decide whether further questions should be sent to the United Kingdom in advance of the hearing. The United Kingdom should be prepared to discuss its response to the questions previously put by the Committee in its letters of 14 October 2013 and 17 December 2013. Finally, the United Kingdom should be invited to provide the secretariat with the names of its respective delegates as soon as possible, and be reminded of operating rule 11, paragraphs 1 to 3, and rule 15, paragraph 4, regarding the procedure for Committee initiatives. The Committee asked the Chair to send an invitation letter to the United Kingdom including the above information by 2 March 2015.

[7] United Kingdom, Department of Energy and Climate Change, *National Policy Statement for Nuclear Power Generation (EN-6)*, vols. I and II (London, The Stationery Office, 2011). Available from https://www.gov.uk/consents-and-planning-applications-for-national-energy-infrastructure-projects.

VI. Information gathering[8]

A. Ukraine — Khmelnytskyi nuclear power plant

37. Following from its thirty-first session, the Committee continued its consideration of the information it had gathered further to the information provided by a Belarusian non-governmental organization (NGO) on the planned construction of nuclear reactors 3 and 4 at the Khmelnytskyi NPP in Ukraine (EIA/IC/INFO/10). The Committee took note of the letter by Ukraine of 19 November 2014 and, after an analysis presented by the curator, it agreed that Ukraine had still failed to provide concrete and comprehensive answers to the Committee's questions in its letter of 14 March 2014. It noted that Ukraine should be asked to provide clear answers to the following questions by the Committee, some of which were also included in its letter of 14 March 2014, but not adequately addressed in Ukraine's response:

(a) According to article 5 of Law 2861/4 of 8 September 2005 on the Decision-Making Procedure regarding the Siting, Designing and Construction of Nuclear Installations and Radioactive Waste Management Facilities of National Significance, a draft law for the siting, design and construction of a particular nuclear installation should include the conclusion of the environmental expert review and a report on the notification of neighbouring States on possible transborder impact. Could Ukraine provide the English translation of the documents attached to the draft law related to the present case, i.e., draft Law No. 5217-VI of 6 September 2012 relating to the EIA procedure?;

(b) Has the ordinance of the Cabinet of Ministers of Ukraine been approved and if so when?;

(c) How were the comments and proposals received following the transboundary impact assessment procedure taken into account? Were they taken into account in the ordinance of the Cabinet of Ministers?;

(d) Is the ordinance of the Cabinet of Ministers the final decision according to article 6 of the Convention?;

(e) What is the present status of the EIA procedure, including the steps taken so far and steps needed to finalize the procedure?;

(f) Was procedure 759 for approval of an expert review of the project applied to the Khmelnytskyi NPP?;

(g) How and when did Ukraine inform its own public about the proposed activity?

38. In addition, Ukraine should be asked to provide the following:

(a) A copy of the letter, including materials, of 6 April 2012 (No. 7123/10/10) sent by Ukraine to potentially affected Parties (Austria, Belarus, Hungary, Poland, Republic of Moldova, Romania and Slovakia);

(b) Copies of the notifications, with the date and supporting documentation, Ukraine had sent in 2010 to potentially affected Parties (Austria, Belarus, Hungary, Poland, Republic of Moldova, Romania, and Slovakia) about the activity;

[8] More information on information-gathering cases, including relevant documentation, is available from http://www.unece.org/environmental-policy/treaties/environmental-impact-assessment/areas-of-work/review-of-compliance/information-from-other-sources.html.

(c) Information about the public participation in Ukraine in the May 2011 hearing and whether Ukraine had informed the potentially affected Parties about it.

39. The Committee also agreed to send a letter to the potentially affected countries (Austria, Belarus, Hungary, Poland, Republic of Moldova, Romania and Slovakia) requesting them to provide an update on the transboundary EIA procedure.

40. The Committee agreed that it would continue its consideration of the matter at its next session and asked the Chair to write to Ukraine and the other Parties to provide the answers to the questions above. The information should be requested in English by 2 March 2015 for analysis by the curator and consideration by the Committee at its next sessions.

B. Ukraine — Muzhiyevo goldmine

41. The Committee then continued its consideration of the information it had gathered further to information provided by a Hungarian political party concerning the planned reopening of a goldmine in Muzhiyevo, Ukraine, close to the border with Hungary (EIA/IC/INFO/13). The Committee reviewed the information received from Ukraine on 19 November 2014.

42. The Committee agreed that the responses were sufficient at present and decided that there was no need to further pursue its information gathering. It asked the Chair to write to Ukraine to inform it accordingly, with a copy to the political party. The Chair should also request Ukraine's agreement that the correspondence between the Committee and Ukraine be placed on the Convention's website, as an illustration of the Committee's approach to information gathering and of a proper and sufficient response from a Party to address the issue.

C. Serbia

43. The Committee then continued consideration of the information it had gathered further to the information provided by Bankwatch Romania Association concerning the planned construction of a lignite power plant in north-east Serbia, by the River Danube, close to the border with Romania. The Committee reviewed the response provided on 14 November 2014 by Serbia to the Committee's questions, as well as the further information and clarifications submitted by Bankwatch Romania Association on 21 November 2014.

44. Further to an analysis by the curator, the Committee agreed that the existing lignite power plant was an activity included in the appendix I (para. 2) to the Convention. The Committee also agreed that the magnitude of the planned activity by itself, i.e., the extension of the lignite power plant, was such that it constituted a major change under article 1 paragraph (v), and thus would be subject to the provisions of the Convention. Therefore, the Committee recalled that notification was necessary unless a significant adverse transboundary impact could be excluded (decision IV/2, annex I, para. 54).

45. The Committee asked the Chair to write to Serbia asking it to address the following questions and requests for information:

(a) Could Serbia exclude a significant adverse transboundary impact of the proposed activity? Could Serbia provide information about the exact distance of the planned activity from the Romanian border?;

(b) In its letter of 14 November 2014, Serbia stated that "the planned project envisages construction of block B3 350 MW power plant … in accordance with the Spatial

Plan of the Republic of Serbia and Energy Development Strategy of the Republic of Serbia by 2025, with projections by 2030 on the environment, which was … submitted for opinion to … neighbouring countries". Could Serbia clarify:

(i) Whether a domestic SEA procedure according to the Protocol on SEA has been carried out?;

(ii) Whether Parties have been notified according to the Protocol and, if so, which ones?;

(iii) Whether the location of the activity at issue has been determined within the framework of that procedure?;

(c) What are the steps (and their time frames) for the purposes of implementing Serbia's statement that "the authority competent for implementing the environmental impact assessment procedure will act in accordance with the provisions of the Espoo Convention" (Serbia's letter of 14 November 2014)?;

(d) Recalling its prior opinion,[9] what constituted the final decision in the meaning of article 6 of the Convention permitting the initiation of the planned activity?;

(e) What was decided in the Administrative court decision (mentioned by Serbia in its letter of 14 November 2014)?

46. The Committee also asked the Chair to write to the Government of Romania asking it to address the following questions:

(a) Did Romania consider that it would be affected by a significant adverse transboundary impact of the proposed activity, and did it therefore intend to participate in the respective transboundary EIA procedure?;

(b) If Romania did intend to participate in the respective transboundary EIA procedure, has it used the mechanism provided for in article 3, paragraph 7, of the Espoo Convention?

47. The information should be requested from both Parties in English by 2 March 2015. Due to issues arising in relation to the Protocol on SEA, the Committee also designated Ms. Shoshi as co-curator of the case. It then asked the curators to provide an analysis for consideration by the Committee at its thirty-third session.

D. The Netherlands

48. The Committee then turned to the consideration of the information it had gathered further to the information provided by the NGO Greenpeace Netherlands concerning the extension by the Netherlands of the lifetime of the Borssele NPP (EIA/IC/INFO/15). The Netherlands had responded to the Committee's questions on 21 November 2014.

49. Further to an analysis by the curator, the Committee agreed to continue its consideration at its next session. It also agreed to write a letter to the Netherlands thanking it for offering to provide translations of certain documents, and asking it:

(a) To respond in a clear and precise manner to the three information requests in the Committee's letter of 19 September 2014, namely:

[9] I.e., that, while the Parties were free to decide which of the multitude of decisions required within their regulatory framework should be considered final for the purpose of the Convention, their discretion in this respect was limited to those decisions that in real terms set the environmental conditions for implementing the activity (see ECE/MP.EIA/10, decision IV/2, annex I, para. 61).

(i) Please provide information about the planned activity (extension of the lifetime of the Borssele NPP), its location, characteristics and current status;

(ii) Please provide information about the environmental, notably the transboundary, impact assessment process for the planned activity, including whether the potentially affected countries have been notified in accordance with article 3 of the Convention?;

(iii) Has the Government of the Netherlands taken the necessary legal, administrative and other measures to implement the provisions of the Convention with respect to the activity?;

(b) To provide a translation of the following documents: the safety report VR-KCB 93 seventh revision document REV 7; the request of EPZ to the Dutch minister for the lifetime extension of September 2012; the authorization of the lifetime extension of 18 March 2013; the Voluntary Agreement (or Gentlemen's Agreement) on KCB of 2006 (mentioned on page 3 of the translation of the Council of State decision of 19/02/2014);

(c) Further to (a) (ii) above, if the Netherlands has not notified the potentially affected Parties, could it please elaborate the reasons for not doing so?;

(d) To clarify which decision according to the Netherlands is the final decision for the lifetime extension? In its answer, the Party concerned should also clarify the nature/legal status of the 2006 Voluntary Agreement (or Gentlemen's Agreement) and its role in the decision-making for the planned activity;

(e) To inform the Committee whether the lifetime extension was considered in the context of the 2010 EIA procedure concerning the use of mixed oxide fuel;

(f) To clarify the following statement from the judgement of the Council of State of 19 February 2014: "the Voluntary Agreement on KCB entered into effect in 2006. This Voluntary Agreement provides, inter alia, that KCB's design lifetime is to be extended to 31 December 2033 at the latest, which provision has been incorporated into section 15a of the Nuclear Energy Act";

(g) To identify the distance of the NPP from the nearest Belgian border and from the nearest German border.

50. The Committee also agreed to write a letter to Belgium, asking it the following questions:

(a) Has Belgium been notified about the planned extension of the Borssele NPP and when?;

(b) Does Belgium consider itself a potentially affected Party, and if so has it used the mechanism provided for in article 3, paragraph 7, of the Espoo Convention?

51. The Committee further agreed to write a letter to Greenpeace Netherlands, asking it the following:

(a) Did Greenpeace Netherlands appeal or react to the 2006 Voluntary Agreement (or Gentlemen's Agreement)?;

(b) Did Greenpeace Netherlands participate in the decision-making procedure for the 2013 authorization of the lifetime extension?

52. The Committee then asked the Chair to write the letters to that effect, requesting the information to be submitted in English by 2 March 2015. The Committee would then consider the information at its next sessions, further to an analysis provided by the co-curators.

E. Bosnia and Herzegovina — Ugljevik thermo-power plant

53. The Committee considered information received on 18 September 2014 from the NGO Center for Environment (Bosnia and Herzegovina) concerning the planned construction of a third block for the thermo-power plant in Ugljevik, close to the border with Serbia.

54. The Committee then asked the Chair to write to the Government of Bosnia and Herzegovina and invite it to provide by 2 March 2015 information on: (a) the planned activity; (b) whether the potentially affected countries had been notified in accordance with article 3 of the Convention; and (c) the transboundary EIA process for the planned activity. It should also clarify whether the Government had taken the necessary legal, administrative and other measures to implement the provisions of the Convention. The Committee also asked the Chair to write to the NGO and ask it to provide an English translation of the annexes to the information provided.

55. The Committee nominated Ms. A. Kliut as the curator for the matter and invited her to provide an analysis of the information to be provided by Bosnia and Herzegovina and the NGO in advance of its next session, when it would consider the matter again.

F. Bosnia and Herzegovina — Stanari thermo-power plant

56. The Committee next considered the information received on 18 September 2014 from the Center for Environment (Bosnia and Herzegovina) on the planned construction of a new thermo-power plant in Stanari, close to the border with Croatia.

57. The Committee then asked the Chair to write to the Government of Bosnia and Herzegovina and invite it to provide by 2 March 2015 information on: (a) the planned activity; (b) whether the potentially affected countries had been notified in accordance with article 3 of the Convention; and (c) the transboundary EIA process for the planned activity. It should also clarify whether the Government had taken the necessary legal, administrative and other measures to implement the provisions of the Convention. The Committee also asked the Chair to write to the NGO and ask it to provide the English translation of the annexes to the information provided.

58. The Committee nominated Ms. A. Kliut as the curator for the matter and invited her to provide an analysis of the information to be provided by Bosnia and Herzegovina and the NGO in advance of its next session when it would consider the matter again.

VII. Review of implementation

A. Examination of general and specific compliance issues from the fourth review of implementation of the Convention

59. The Committee continued its consideration of the general and specific compliance issues identified in the fourth review of implementation of the Convention (ECE/MP.EIA/2014/3). It noted with regret that, despite repeated reminders by the secretariat, Ireland, Luxembourg and the United Kingdom had yet not returned the questionnaires for the fourth review. It decided to ask the Chair to send a reminder to those Parties asking them to send the expected questionnaires without delay and not later than 2 March 2015.

60. The secretariat informed the Committee of the corrigendum issued on decision VI/1 on reporting and review of implementation (ECE/MP.EIA/20/Add.1/Corr.1–ECE/MP.EIA/SEA/4/Add.1/Corr.1), to include Portugal among the Parties that had not returned the questionnaire on the Convention. The Committee therefore asked the Chair to also write to Portugal to request it to complete the return the questionnaire for the fourth review of implementation without delay and by not later than 2 March 2015.

61. The Committee regretted that it had not received a response from the Government of Cyprus to its letter of September 2014. It invited the Chair to urge the Government of Cyprus to provide its response at its earliest convenience and not later than 2 March 2015.

62. The Committee would examine the responses from Parties regarding the fourth review of implementation at its next session.

B. Examination of general and specific compliance issues from the first review of the Protocol

63. The Committee continued its consideration of the general and specific compliance issues identified in the first review of implementation of the Protocol (ECE/MP.EIA/SEA/2014/3). It noted with regret that, despite repeated reminders by the secretariat, Luxembourg and Portugal had yet not returned the questionnaires for the first review. It decided to ask the Chair to send a reminder to those Parties asking them to send the expected questionnaires without delay and not later than 2 March 2015.

64. The Committee regretted that it had not received a response from the Government of Bosnia and Herzegovina to its letter of September 2014. It invited the Chair to urge the Government of Bosnia and Herzegovina to provide its response at its earliest convenience and not later than 2 March 2014.

65. The Committee would examine the responses to its requests regarding the first review of implementation of the Protocol at its next session.

1. Austria

66. The Committee examined a reply from the Government of Austria received on 2 October 2014 in response to the Committee's letter of 19 September 2014 requesting further clarifications on the timing of publication of screening conclusions in accordance with article 5, paragraph 4, of the Protocol.

67. The Committee agreed that the clarification by Austria was to its satisfaction, and asked that the Chair write to the Government of Austria to inform it accordingly. The Chair should also request agreement that the correspondence between the Committee and Austria be placed on the Convention's website, as an illustration of the Committee's approach to a specific compliance issue and of a proper and sufficient response from a Party to address the issue.

2. European Union

68. The Committee then examined a reply from the European Commission received on 6 October 2014 in response to the Committee's letter of 19 September 2014 requesting the EU to complete and return its questionnaire for the first review of implementation of the Protocol and to address several questions.

69. The Committee took note of the clarifications provided with regard to the obligation of the EU to report under the Protocol and its competences as a regional economic

integration organization. Due to time limitations, it agreed to postpone the discussion of this item until its next session.

3. Spain

70. The Committee finally examined a reply from the Government of the Spain received on 27 November 2014 in response to the Committee's letter of 19 September 2014 requesting further clarifications on the conditions for NGO participation in SEA procedures, which might prevent the fulfilment of effective public participation under the Protocol.

71. The Committee was satisfied with the clarifications provided with regard to the relevant national legislation and practice. It asked that the Chair write to the Government of Spain to inform it accordingly. The Chair should also request agreement that the correspondence between the Committee and Spain be placed on the Convention's website, as an illustration of the Committee's approach to a specific compliance issue and of a proper and sufficient response from a Party to address the issue.

C. Modification of the questionnaires

72. The Committee considered the proposals for the modification of the questionnaires for the fifth review of the implementation of the Convention and the second review of the implementation of the Protocol, as presented by the Committee members responsible for overseeing that work.

73. The Committee discussed shortening the questionnaires and focusing on issues of actual concern, such as, in the case of the Convention, the definition of a "major change" and the extension of the lifetime of nuclear energy-related activities, or the determination of the final decision under national legislation. On the basis of the Committee's comments during the discussion and the comments received by e-mail by 31 December 2014, the Committee invited the appointed Committee members, in cooperation with the Chair and with the assistance of the secretariat, to prepare and present revised proposals by 23 January 2015. The proposals should be circulated to all Committee members for their review by 27 January 2015, before integrating any final comments into the questionnaires by 30 January 2015. The questionnaires would then be submitted to the upcoming meeting of the Bureau on 5 and 6 February 2015. The draft questionnaires would then be further revised, as necessary, further to the Bureau's comments, and circulated to the Committee by the end of February 2015 with a view to being finalized at the Committee's thirty-third session in March 2015. The questionnaires would then subsequently be submitted to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment for consideration at the Working Group's May 2015 session.

VIII. Other business

74. The secretariat informed the Committee of changes in the use of the ECE letterhead in correspondence signed by officers of governmental and expert bodies serviced by the secretariat. Accordingly, it was agreed that henceforth the letters of the Chair would no longer be sent on the ECE letterhead and that they would be accompanied by a transmittal letter on the ECE letterhead instead.

IX. Presentation of the main decisions taken and closing of the session

75. The secretariat reminded the Committee that the MOP and the MOP serving as the Meeting of the Parties to the Protocol had decided that the Committee should hold in total eight sessions during the intersessional period 2014–2017, with two to three meetings per year (joint decision VI/3–II/3, para. 7; and joint decision VI/4–II/4, annex I).

76. The Committee took note of the information. It then confirmed that it would next meet from 17 to 19 March 2015. It also agreed that it would decide at its next session whether it would hold its thirty-fourth session from 7 to 9 September or from 8 to 10 December 2015.

77. The Committee adopted the draft report of its session, prepared with the support of the secretariat. The Chair then formally closed the thirty-second session.